

Application No.: 10/762,337

Attorney Docket No.: 10253-00088-US1/LP 4965 US CNT

**REMARKS**

Claims 16-20 are pending in the application. Claims 1-15 were previously withdrawn; the specification, Abstract, and claims 16 and 20 have been amended; and claim 19 has been canceled by way of the present amendment.

In the outstanding Office Action, the drawings were objected because the labels of 50 and 80 were not mentioned in the disclosure; the disclosure was objected to because updated information on the parent application is required; the Abstract was objected to due to informalities; claims 16-20 were rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, as being indefinite failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; claims 16 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maruzzo et al. (U.S. Patent No. 4,400,0303); claims 17-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maruzzo et al. in view of Moss (U.S. Patent No. 6,354,661); and claim 20 was indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. §112, 2<sup>nd</sup> paragraph and to include the limitations of the base claim and any intervening claims.

***Allowable Subject Matter***

First Applicant wishes to thank the Examiner for the early indication of the allowable subject matter of claim 20. To that end, claim 20 has been amended to overcome the rejection under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, and to include the limitations of the base claim and any intervening claims. Therefore, it is respectfully submitted that claim 20 is in condition for allowance.

***Drawing Objections***

The outstanding Office Action objected to the drawings because the labels of 50 and 80 were not mentioned in the specification. Applicants respectfully submit that the proposed amendments to the specification discussed below address the objection.

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***Specification Objections***

The outstanding Office Action objected to the disclosure because updated information on the parent application is required. The proposed amendments to the specification provide the required updated information. Applicant respectfully submits the amendment to the specification raises no question of new matter.

The outstanding Office Action objected to the drawings because the reference numbers of 50 and 80 were not mentioned in the disclosure. The specification has been amended to refer to both reference numbers. Applicant respectfully submits the amendment to the specification raises no question of new matter.

The outstanding Office Action objected to the Abstract due to informalities. The proposed amendments to the Abstract address the objection. Applicant respectfully submits the amendment to the abstract raises no question of new matter.

***Rejections under 35 U.S.C. §112***

Claims 16-20 were rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, as indefinite. Claim 16 has been amended to clarify the invention. In particular, claim 16 has been amended to provide sufficient antecedent basis. Applicant respectfully submits the amendments raise no question of new matter and that claims 16-20 are definite.

***Rejections under 35 U.S.C. §103***

Claims 16 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maruzzo et al. Applicants respectfully traverse.

Claim 19 has been canceled. In addition, as discussed above, claim 16 has been amended to provide sufficient antecedent basis. Moreover, claim 16 has been amended to further clarify the invention. Support for the amendments is provided at least in the Abstract; and column 4, lines 9-13 of the specification. Therefore, Applicant respectfully submits the amendment raises no question of new matter.

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Maruzzo et al. discloses seat covers for automobile seats.<sup>1</sup> In particular, Maruzzo et al. discloses that the seat cover includes an upper portion, front and side portion, band portion, and a flap portion.<sup>2</sup> Further, Maruzzo et al. discloses the upper portion may be of relatively non-elastic seat material.<sup>3</sup>

However, Maruzzo et al. nowhere discloses, as recited in amended claim 16:

*providing a stretch slipcover having elastic recovery force such that the stretch slipcover requires no second fabric having greater elastic recovery force to maintain the substantial absence of wrinkles in normal use (emphasis added).*

That is, the invention of amended claim 16 uses a “stretch slipcover having elastic recovery force such that the stretch slipcover requires no second fabric,” as recited in amended claim 16. In contrast, Maruzzo et al. is directed to use of some *non-elastic* material in the automobile seat covers. Thus, at least for the reasons discussed above, Maruzzo et al. does not disclose the limitations of claim 16.

Therefore, it is respectfully submitted that Maruzzo et al. does not disclose, suggest or make obvious the limitations of the claimed invention and that claim 16, and claims dependent thereon, patentably distinguish thereover.

Claims 17-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maruzzo et al. in view of Moss. Applicants respectfully traverse the rejection.

Claims 17 and 18 are dependent on claim 16. As discussed above, Maruzzo et al. does not disclose, suggest or make obvious the limitations of claim 16. Therefore, at least for the reasons discussed above, Maruzzo et al. also do not disclose the limitations of claims 17 and 18.

The outstanding office action acknowledges other deficiencies of Maruzzo et al. and attempts to overcome those deficiencies with Moss. However, Moss cannot overcome all the deficiencies of Maruzzo et al. as discussed below.

Moss discloses a chair and cover combination includes a cover and a chair having a leg structure, a seat, and a seat back.<sup>4</sup> However, Moss nowhere discloses, as recited in amended claim 16:

*providing a stretch slipcover having elastic recovery force such that the stretch slipcover requires no second fabric having*

<sup>1</sup> Maruzzo et al. at column 1, lines 4-5.

<sup>2</sup> *Id.* at column 1, lines 21-33.

<sup>3</sup> *Id.* at column 1, lines 34-37.

<sup>4</sup> Moss at Abstract.

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*greater elastic recovery force* to maintain the substantial absence of wrinkles in normal use (emphasis added).

That is, the invention of amended claim 16, upon which claims 17 and 18 depend, uses a "stretch slipcover having elastic recovery force such that the stretch slipcover requires no second fabric," as recited in amended claim 16. Thus, Moss cannot overcome the deficiencies of Maruzzo et al.

Therefore, it is respectfully submitted that Maruzzo et al. and Moss, whether taken alone or in combination, do not disclose, suggest or make obvious the limitations of the claimed invention and that claims 17 and 18, and claims dependent thereon, patentably distinguish thereover.


### *Conclusions*

In view of the above, reconsideration and allowance are, therefore, respectfully solicited. In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

Applicant believes no fees are due with this request. However, the Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to Deposit Account No. 22-0185.

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Respectfully submitted,

  
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